

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY SMITH, individually and on behalf
of a minor, S.S.,

Plaintiff,

v.

MID-VALLEY SCHOOL DISTRICT and
SALISBURY BEHAVIORAL HEALTH,
INC., d/b/a NEW STORY THROOP,

Defendants.

No. 3:18-CV-00478

No. 3:18-CV-00064

(JUDGE CAPUTO)

ORDER

NOW, this 19th day of November, 2019, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss (Doc. 31) is **GRANTED in part and DENIED in part** as follows:

- (A) Plaintiff's Fourteenth Amendment claim (Count I, Doc. 29) and Plaintiff's request for compensatory damages under the Individuals with Disabilities Education Act (Count III, Doc. 29) and the Rehabilitation Act (Count IV, Doc. 29) are **DISMISSED with prejudice**;
- (B) Plaintiff's Individuals with Disabilities Education Act claim (Count III, Doc. 29), is **DISMISSED without prejudice**;
- (C) Defendant's Motion to Dismiss is **DENIED** in all other respects.
- (D) Plaintiff has **twenty-one (21)** days from the date of entry of this Order to file an amended complaint to properly state her claims. Failure to file within this time will result in the dismissal of these claims with prejudice.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge